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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,000	01/30/2001	Satoshi Okuyama	1405.1034 (JDH)	8470
21171	7590	06/04/2004	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			GOLD, AVI M	
			ART UNIT	PAPER NUMBER
			2157	
DATE MAILED: 06/04/2004				

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Please find below and/or attached an Office communication concerning this application or proceeding.

SK

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/772,000	OKUYAMA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Avi Gold	2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 January 2001.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

This action is responsive to the application filed January 30, 2001. Claims 1-20 are pending. Claims 1-20 represent a text messaging system and method.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by

Yamaguchi, U.S. Patent No. 6,519,471.

Yamaguchi teaches the invention as claimed including a portable electronic mail apparatus and storage medium storing electronic mail program (see abstract).

Regarding claim 1, a text messaging system made up of a plurality of information terminals provided with communications means, and servers connected to the information terminals via communications lines responsive to the communications means, the text messaging system comprising:

transmission means provided in the information terminals for transmitting to the servers text messages addressed to other of the information terminals (col. 8, lines 23-39; Yamaguchi discloses a transmitted mail area);

reception means provided in the information terminals to for receiving from the servers text messages from other of the information terminals (col. 8, lines 6-22; Yamaguchi discloses a received mail area);

status detection means provided in the information terminals for detecting and reporting to the servers operational status including at least status of connection with the communications lines (col. 19, lines 45-65; Yamaguchi discloses detection of a mail address);

reception means provided in the servers for receiving text messages from the information terminals (col. 8, lines 6-22; Yamaguchi discloses a server receiving mail);

transmission means provided in the servers for transmitting text messages received from ones of the information terminals to others of the information terminals (col. 8, lines 6-22);

status administration means provided in the servers for holding per user information-terminal operational status reported from said status detection means (col. 19, lines 45-65; Yamaguchi discloses a determination result based on the detection); and

decision means provided in the servers for deciding transmission modes for the text messages according to the information terminal operational status (col. 9, lines 33-67; col. 10, lines 1-31; Yamaguchi discloses a determination result).

Regarding claim 2, a text messaging system made up of at least one mobile terminal and at least one information terminal respectively provided with communication means, and at least one server connected to the at least one mobile terminal and to the at least one information terminal via at least one communications line responsive to the communications means, the text messaging system comprising:

transmission means provided in the at least one information terminal for transmitting to the at least one to server text messages addressed to the at least one mobile terminal, or to at least one other information terminal wherein the system includes a plurality thereof (col. 2, lines 8-20; col. 8, lines 23-39; Yamaguchi discloses a portable electronic mail apparatus);

reception means provided in the at least one information terminal for receiving from the at least one server text messages from the at least one mobile terminal, or from at least one other information terminal wherein the system includes a plurality thereof (col. 2, lines 8-20; col. 8, lines 6-22);

status detection means provided in the at least one information terminal for detecting and reporting to the at least one server operational status including at least status of connection with the at least one communications line (col. 2, lines 8-20; col. 19, lines 45-65);

reception means provided in the at least one server for receiving text messages from the at least one mobile terminal or the at least one information terminal (col. 2, lines 8-20; col. 8, lines 6-22);

transmission means provided in the at least one server for transmitting to the at least one information terminal text messages received from the at least one mobile terminal, and transmitting to the at least one mobile terminal text messages received from the at least one information terminal, or transmitting text messages received from the at least one mobile terminal or the at least one information terminal to at least one other mobile terminal or to at least one other information terminal wherein the system includes a plurality of either (col. 2, lines 8-20; col. 8, lines 23-39);

status administration means provided in the at least one server for holding per user information-terminal operational status reported from said status detection means (col. 19, lines 45-65); and

decision means provided in the at least one server for deciding transmission modes for the text messages according to the information terminal operational status (col. 9, lines 33-67; col. 10, lines 1-31).

Regarding claim 3, a text messaging system according to claim 2, wherein:

said status detection means further detects and reports to the at least one server whether the at least one information terminal is being used (col. 19, lines 66-67; col. 20, lines 1-31; Yamaguchi discloses a status variable); and

said decision means if the at least one information terminal is being used decides the at least one information terminal to be a transmission destination for text messages (col. 9, lines 33-63; Yamaguchi discloses when the determination result is NO a mode selection screen is displayed).

Regarding claim 4, a text messaging system according to claim 2, the at least one information terminal further being provided with service detection means for detecting and for reporting to the at least one server network-application operational status in the at least one information terminal; wherein:

    said status administration means holds the reported network-application operational status (col. 19, lines 45-65); and

    said decision means, wherein the network application is operable on the at least one server, decides to transmit to text messages using the network application if the network application is running on the at least one information terminal (col. 9, lines 33-67; col. 10, lines 1-31).

Regarding claim 5, a text messaging system according to claim 2, wherein said transmission means is enabled to notify the at least one server that a text message has been read, further comprising:

    reporting administration means provided in the at least one server for saving text messages transmitted to the at least one information terminal, and, wherein not notified to the effect that a text message has been read, for forwarding the text message to the at least one mobile terminal (col. 8, lines 6-22; Yamaguchi discloses a received mail area storing mails and the use of an unseal flag).

Regarding claim 6, a text messaging system according to claim 5, wherein said reporting administration means forwards to the at least one mobile terminal text messages transmitted to the at least one information terminal in response to change in operational status of the at least one information terminal (col. 7, lines 39-49; Yamaguchi discloses received mail being transmitted).

Regarding claim 7, a text messaging system according to claim 5, wherein if a text message transmitted to the at least one information terminal is not read within a predetermined time period, said reporting administration means forwards the text message to the at least one mobile terminal (col. 21, lines 1-16; Yamaguchi discloses received mail transferred if the mail meets a transfer condition).

Regarding claim 8, a text messaging system according to claim 5, wherein said reporting administration means in predetermined instances reports to text message send sources that their text messages have been sent: to the at least one mobile terminal (col. 8, lines 23-39; Yamaguchi discloses a transmitted flag).

Regarding claim 9, a text messaging system according to claim 5, wherein if said reporting administration means cannot send a text message to the at least one mobile terminal, said reporting administration means stores the text message and reports to the text message send source that its text message has been stored (col. 8, lines 23-39;

Yamaguchi discloses electronic mails stored with the transmitted flag indicating that the electronic mail has not been transmitted).

Regarding claim 10, a text messaging system according to claim 2, wherein:  
said status detection means reports to the at least one server text message senders' contact phone numbers (col. 18, lines 35-65; col. 19, lines 1-4; Yamaguchi discloses a connection to a dial number);  
said status administration means holds the reported phone numbers (col. 18, lines 35-65; col. 19, lines 1-4; Yamaguchi discloses a dial number set in advance); and  
wherein a text message is sent from the at least one information terminal to the at least one mobile terminal, if the senders' contact phone number has been set, said decision means adds the phone number to and transmits the text message (col. 18, lines 35-65; col. 19, lines 1-4; Yamaguchi discloses received mails being processed after the connection).

Regarding claim 11, a text messaging system according to claim 2, further comprising a proxy information terminal connected to the at least one communications line, wherein said proxy information terminal is provided with:

reception means for receiving from the at least one server text messages from the at least one mobile terminal (col. 2, lines 8-20; col. 8, lines 6-22);

information acquisition means for obtaining in accordance with the received text messages operational status of at least one other information terminal wherein the system includes a plurality thereof (col. 2, lines 8-20; col. 19, lines 45-65);

transmission means for transmitting the obtained operational status as a text message to the at least one mobile terminal (col. 2, lines 8-20; col. 8, lines 23-39); and

information setting means for setting and reporting to the at least one server operational status of the at least one other information terminal in accordance with the received text messages (col. 19, lines 45-65).

Claims 12-20 do not teach or define any new limitations above claims 2 and 5 and therefore are rejected for similar reasons.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,334,140 to Kawamata.

U.S. Pat. No. 6,178,331 to Holmes et al.

U.S. Pat. No. 6,108,688 to Nielsen.

U.S. Pat. No. 5,872,926 to Levac et al.

U.S. Pat. No. 6,701,378 to Gihuly et al.

U.S. Pat. No. 5,706,211 to Beletic et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avi Gold whose telephone number is 703-305-8762. The examiner can normally be reached on M-F 8:00-5:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

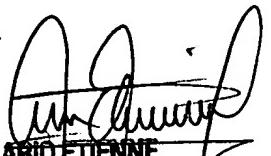
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Avi Gold

Patent Examiner

Art Unit 2157

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